

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

John Noakes  
\_\_\_\_\_

Plaintiff(s)

v.

University of Cincinnati, *et al.*  
\_\_\_\_\_

Defendant(s)

Case No. 1:23-cv-00284-MRB

Judge Michael R. Barrett

**JOINT DISCOVERY PLAN**  
(RULE 26(f) REPORT)  
(REQUIRED FORM)

Now come all parties to this case, by and through their respective counsel, and hereby jointly submit to the Court this Joint Discovery Plan, pursuant to the Court's Trial Procedure Order. The parties conducted their discovery conference on various dates.

**A. MAGISTRATE CONSENT**

The Parties:

- ☐ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- ☒ do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c).
- ☐ unanimously give contingent consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636 (c), for trial purposes only, in the event that the District Judge assigned is unavailable on the date set for trial (e.g. because of other trial settings, civil or criminal).

**B. RULE 26(a) DISCLOSURES**

- ☐ The parties have exchanged pre-discovery disclosures required by Rule 26(a)(1).
- ☒ The parties will exchange such disclosures by July 3, 2025
- ☐ The parties are exempt from disclosures under Rule 26(a)(1)(E).

NOTE: Rule 26(a) disclosures are not to be filed with the Court.

**C. DISCOVERY ISSUES AND DATES**

1. Discovery will need to be conducted on the issues of Plaintiff's 42 U.S.C. 1983 claim, Title IX claim, and alleged damages, should any of those survive after the Court's review of any responsive pleading submitted by Defendants.
2. The parties recommend that discovery
  - ☒ need not be bifurcated
  - ☐ should be bifurcated between liability and damages
  - ☐ should be bifurcated between factual and expert
  - ☐ should be limited in some fashion or focused upon particular issues which relate to \_\_\_\_\_
3. Disclosure and report of Plaintiff(s) expert(s) by September 5, 2025
4. Disclosure and report of Defendant(s) expert(s) by October 17, 2025
5. Disclosure and report of rebuttal expert(s) by November 14, 2025
6. Disclosure of non-expert (fact) witnesses December 12, 2025
7. Discovery cutoff February 13, 2026

8. Anticipated discovery problems

Scope of discovery in Title IX cases as it pertains to investigations of other students and  
☒ by the Department of Education

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☐ None

9. Describe the subjects on which discovery is to be sought and the nature, extent and scope of discovery that each party needs to: (1) make a settlement evaluation, (2) prepare for case dispositive motions, and (3) prepare for trial:

Plaintiff seeks discovery regarding prior students who were the subjects of formal or informal complaints or reports of sexual misconduct from 2011 to 2023, including the content and result of prior Department of Education investigations. Defendants object to the Plaintiff's proposed scope of discovery on the grounds that it is not permitted by the Civil Rules or the Rules of Evidence

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10. Discovery of Electronically Stored Information. The parties have discussed disclosure, discovery, and preservation of electronically stored information, including the form or forms in which it should be produced.

  X   Yes

       No

i. The parties have electronically stored information in the following formats:

Emails and PDFs

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ii. The case presents the following issues relating to disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced:

None

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11. Claims of Privilege or Protection. The parties have discussed issues regarding the protection of information by a privilege or the work-product doctrine, including whether the parties agree to a procedure to assert these claims after production or have any other agreements under Fed. R. Evid. 502.

  X   Yes

       No

i. The case presents the following issues relating to claims of privilege or of protection as trial preparation materials:

None

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ii. Have the parties agreed on a procedure to assert such claims AFTER production?

       No

  X   Yes

       Yes, and the parties ask that the Court include the following agreement in the scheduling order:

See Protective Order (Doc No. 14) Section 7

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**D. LIMITATIONS ON DISCOVERY**

1. Changes in the limitations on discovery

☐ Extension of time limitations (currently one day of seven hours) in taking of depositions to \_\_\_\_\_.

☐ Extension of number of depositions (currently 10) permitted to \_\_\_\_\_.

☐ Extension of number of interrogatories (currently 25) to \_\_\_\_\_.

☐ Other: \_\_\_\_\_.

☒ None

**E. PROTECTIVE ORDER**

☒ A protective order will likely be submitted to the Court on or before  
See Doc No. 14.

☐ The parties currently do not anticipate the need for a protective order. If the parties subsequently deem that one is necessary, they will submit a joint proposed order to the Court. Such order will be in compliance with *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F. 3d 219 (6th Cir. 1996).

**F. SETTLEMENT**

A settlement demand   X   has \_\_\_\_\_ has not been made.

A response   X   has \_\_\_\_\_ has not been made.

A demand can be made by \_\_\_\_\_

A response can be made by \_\_\_\_\_

**G. MOTION DEADLINES**

1. Motion to amend the pleadings and/or add parties by June 30, 2025
2. Motions relative to the pleadings by July 28, 2025
3. Dispositive motions by March 30, 2026

**H. OTHER MATTERS PERTINENT TO MANAGEMENT OF THIS LITIGATION**

UC will file its answer, motion, or responsive pleading to the Complaint by June 16, 2025.

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Signatures: /s/ Joshua Engel (per auth. on 5/16/25) /s/ Dominic S. Gerace

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